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## **OLR Bill Analysis**

**sSB 229 (File 664, as amended by Senate "B")\***

### ***AN ACT CONCERNING SUDDEN CARDIAC ARREST PREVENTION.***

#### **SUMMARY:**

This bill requires the State Board of Education (SBE), for school years beginning July 1, 2015 and in consultation with specified organizations, to develop or approve a sudden cardiac arrest awareness education program for use by local and regional boards of education. Sudden cardiac arrest occurs when the heart suddenly and unexpectedly stops beating.

It requires coaches of intramural and interscholastic athletics to:

1. obtain the written consent of a student's parent or legal guardian before allowing a student to participate in such athletic activities;
2. annually review the sudden cardiac arrest awareness program before beginning their coaching assignments;
3. immediately remove from athletic activities a student who shows the warning signs of sudden cardiac arrest; and
4. bar such a student from resuming participation in athletic activities unless the student has received written clearance from a Connecticut-licensed doctor, physician assistant, or advanced practice registered nurse.

The bill immunizes coaches from personal and professional civil liability for their actions or omissions concerning the above requirements, except for grossly negligent, reckless, or wilful misconduct. Existing law already requires school boards to indemnify school employees and volunteers, including coaches, against financial loss and expense resulting from alleged negligence or other acts arising

from their duties, subject to similar exceptions (CGS § 10-235).

The bill does not relieve coaches of their duties or obligations under state law, regulation, or a collective bargaining agreement. And it allows SBE to revoke the permit of a coach who fails to annually review the sudden cardiac arrest awareness education program.

\*Senate Amendment "B" (1) restores provisions on consent forms eliminated in the file copy (File 664); (2) limits the violations for which SBE may revoke a coaching permit; (3) delays, from October 1, 2014 until July 1, 2015, the date certain provisions of the bill take effect; (4) expands coaches' liability protection; and (5) adds provisions (a) specifying symptoms of sudden cardiac arrest, (b) requiring an organization of national, state, or local medical associations, rather than county medical associations, to help develop the program, and (c) declaring that it does not relieve coaches of certain duties or obligations.

EFFECTIVE DATE: October 1, 2014

#### **SUDDEN CARDIAC ARREST AWARENESS EDUCATION PROGRAM**

The bill requires SBE, for the school year starting July 1, 2015 and each year afterwards, to develop or approve a sudden cardiac arrest awareness education program for use by local and regional school boards. SBE must do so in consultation with (1) the public health commissioner; (2) the governing authority for intramural and interscholastic athletics; (3) an appropriate organization representing licensed athletic trainers; and (4) an organization representing national, state, or local medical associations. SBE may use materials developed by such organizations as Simon's Fund in developing or approving the program (see BACKGROUND).

The program, which must be published on SBE's website, must include the:

1. warning signs and symptoms associated with sudden cardiac arrest, including fainting, difficulty breathing, chest pain,

dizziness, an abnormal racing heart rate, or other symptoms;

2. risks associated with continuing to engage in intramural or interscholastic athletics after displaying these signs and symptoms;
3. means of obtaining proper medical treatment for someone suspected of experiencing sudden cardiac arrest; and
4. proper method of allowing a student who has experienced sudden cardiac arrest to return to intramural or interscholastic athletics.

Under the bill, “intramural or interscholastic athletics” means any activity sponsored by a school, local education agency, or agency-sanctioned organization involving an athletic contest, practice, scrimmage, competition, demonstration, display, or club activity.

#### **PARENTAL CONSENT FORM**

By July 1, 2015, SBE must develop and approve an informed consent form on sudden cardiac arrest to distribute to parents and legal guardians of students participating in intramural or interscholastic athletics. SBE must do this in consultation with the same organizations with which it developed or approved the program. The form must include at least a summary of the (1) program and (2) applicable school board’s policies on sudden cardiac arrests.

#### **COACHES’ RESPONSIBILITIES, LIABILITY, AND LICENSE REVOCATION**

For the July 1, 2015 school year and each year afterwards, anyone who holds or is issued an SBE coaching permit and who coaches intramural or interscholastic athletics, must, before beginning his or her coaching assignment for the season, give each participating student’s parent or legal guardian a copy of the consent form. The coach must obtain the signature of the parent or legal guardian acknowledging that the parent or legal guardian has received the form and authorizes the student to participate.

Starting with the July 1, 2015 school year, anyone who holds or is issued an SBE coaching permit and who coaches intramural or interscholastic athletics must annually review the program before beginning his or her coaching assignment.

Also starting July 1, 2015, the coach of any intramural or interscholastic athletics must immediately remove a student participating in the athletic activity when the student shows signs, symptoms, or behaviors as described in the program. The coach cannot allow the student to resume participating until the student receives written clearance from a Connecticut-licensed doctor, physician assistant, or advanced practice registered nurse.

### **IMMUNIZATION OF COACHES**

Beginning with the July 1, 2015 school year, unless a coach's action or omission constitutes wilful misconduct, gross negligence, or recklessness, the bill immunizes him or her from personal and professional liability for any action or omission in:

1. distributing consent forms to students' parents or legal guardians and obtaining their signatures before allowing students to participate,
2. annually reviewing the program,
3. failing to immediately remove a student showing signs of sudden cardiac arrest, or
4. allowing such a student to return without receiving appropriate medical clearance.

### **PERMIT REVOCATION**

Starting with the July 1, 2015 school year, the bill allows SBE to revoke the coaching permit, as provided by law, of any coach who does not annually review the program.

### **BACKGROUND**

#### ***Simon's Fund***

According to its website, Simon's Fund is a Pennsylvania 501(c) (3) organization established in 2005 and dedicated to raising awareness about conditions that lead to sudden cardiac arrest and death in young athletes and children.

### ***Permit Revocation***

By law, SBE may revoke a permit because the permit holder (1) obtained it through fraud or misrepresentation, (2) persistently neglected to perform the duties for which the permit was granted, (3) is professionally unfit to perform the duties for which the permit was granted, or (4) is convicted of a crime involving moral turpitude or such other crime SBE finds would impair the standing of such permits. SBE also may revoke a permit for other due and sufficient cause (CGS § 10-145b (i)).

### ***Automatic External Defibrillators***

By law, a school board must have at each school in its jurisdiction, if funding is available, (1) an automatic external defibrillator and (2) school staff trained in its use and in cardiopulmonary resuscitation. The law also requires each school to develop emergency action response plans for school personnel to use in responding to individuals experiencing sudden cardiac arrest or similar life-threatening emergencies (CGS § 10-212d).

### ***Legislative History***

The Senate referred the bill (File 11) to the Education Committee, which reported it favorably. The Senate then referred the bill to the Appropriations Committee, which reported a substitute bill that deleted provisions requiring SBE, in consultation with other organizations, to develop and approve a sudden cardiac arrest consent form, and requiring coaches to obtain parents' or guardians' consent before allowing students to participate in intramural or interscholastic athletics (but see Senate Amendment "B").

### ***Related Bill***

HB 5113, approved as amended by the House on April 24, contains similar provisions regarding youth athletics and concussions.

**COMMITTEE ACTION**

Committee on Children

Joint Favorable Substitute

Yea 10 Nay 2 (03/04/2014)

Education Committee

Joint Favorable

Yea 28 Nay 0 (04/02/2014)

Appropriations Committee

Joint Favorable Substitute

Yea 44 Nay 0 (04/15/2014)